

James F. Adams  
State Bar No. 00863450  
Christopher A. Robison  
State Bar No.: 24035720  
PASSMAN & JONES, P.C.  
1201 Elm Street, Suite 2500  
Dallas, TX 75270-2599  
Phone: (214) 742-2121  
Fax: (214) 748-7949

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

IN RE:	§	
	§	
SUPERIOR AIR PARTS, INC.,	§	CHAPTER 11
	§	CASE NO. 08-36705-BJH-11
DEBTOR.	§	

**STATUS REPORT AND AGREED MOTION TO CONTINUE HEARING ON  
MOTION TO ENFORCE AND CONVERT PRESENTLY SCHEDULED  
HEARING TO STATUS CONFERENCE**

COMES NOW, Superior Air Parts, Inc. ("Superior") and files this Agreed Motion to Continue Hearing on Motion to Enforce and Convert Presently Scheduled Hearing to Status Conference. In support thereof, Superior shows the Court as follows:

1 Superior's Motion to Enforce [Dkt. 684] (the "Motion") is presently set for hearing on May 21, 2014 at 9:00 A.M. Superior, with the agreement of the Insolvency Administrator, requests that the hearing be converted to a status conference so that the parties may update the Court on their agreement to narrow the issues to present to the Court and continuing efforts to resolve any remaining issues without the need for an evidentiary hearing.

2 In the preceding months, the parties have worked cooperatively to narrow the issues with respect to Superior's Motion. In connection with those efforts, Dr. Kübler, in his capacity as Insolvency Administrator (the "Insolvency Administrator") for Thielert Aircraft Engines GmbH ("TAE") undertook a review of electronic records that had been segregated from

the assets transferred to the buyer following the closing of the Insolvency Administrator's sale of the assets of TAE. The Insolvency Administrator's review was complicated by several factors, including unfamiliarity with the various computer software used by TAE in its business (the manufacture of aircraft parts).

3 The Insolvency Administrator's review revealed hundreds of drawings bearing the name "Superior Air Parts, Inc.," as well as other program files that appeared to have been provided to TAE by Superior. Promptly after identifying those drawings and files, the Insolvency Administrator produced them to Superior in connection with discovery related to the Motion and pursuant to an Agreed Protective Order entered by the Court and in an attempt to resolve this dispute.

4 Superior subsequently reviewed the documents the Insolvency Administrator located on the server (produced at Bates labels IA000001 – IA000736 including native files) and confirmed that the documents were Superior's property. Upon Superior's confirmation, the Insolvency Administrator agreed that the documents would be returned to Superior pursuant to the Plan and Confirmation Order. Superior agreed that, with respect to those documents, the insolvency administrator has complied with the Plan and Confirmation Order. The Insolvency Administrator also agreed he would not transfer, sell, or otherwise convey those documents and files to any third parties or otherwise use those documents, other than maintaining them as may be necessary to comply with United States, German or other regulatory and insolvency requirements. The parties' agreements eliminated over 650 documents that were at issue in connection with Superior's Motion.

5 In addition to the foregoing agreement, the parties have agreed to a procedure whereby they will attempt to further narrow the issues and potentially eliminate the need for an evidentiary hearing altogether. The parties agreement is as follows:

- On or before May 23, 2014, Superior will review its prior discovery responses and objections and will reconsider its objections and withdraw as many as possible and confer in good faith with counsel for the Insolvency Administrator regarding any remaining objections. Superior will also supplement its interrogatory responses and produce documents and provide a date for the deposition of its corporate representative(s).
- As soon as practicable after Superior supplements its discovery and provides a date for its corporate representative's deposition, the Insolvency Administrator and Superior will arrange for Superior representative(s) to travel to Germany to review the balance of the materials on the Insolvency Administrator's server at the Insolvency Administrator's offices in Cologne, Germany. The Insolvency Administrator may designate the documents remaining on the server as "confidential" pursuant to the Agreed Protective Order.
- Within five days of Superior's review of the materials on the server in Germany, Superior will specifically identify each document that it contends must be returned pursuant to the Plan and Bankruptcy Court's Confirmation Order. If the Insolvency Administrator agrees, any such documents will be returned, and Superior's Motion will be resolved and dismissed pursuant to the parties' agreement, and the Insolvency administrator will be free to transfer all remaining documents and information. If the parties are unable to reach an agreement, the parties will complete the necessary discovery and any remaining issues will then be presented to the Court.

6 While the parties respect and are mindful of the Court's time and docket, they respectfully submit that the foregoing procedure is not solely intended for delay. Rather, it is the product of negotiations among counsel and presents a potential solution to the remaining issues in Superior's Motion. The parties respectfully request that they be given additional time to attempt to reach an agreement by carrying out the foregoing procedure.

Wherefore, premises considered, Superior Air Parts, Inc. prays this Motion be granted, that the parties be afforded to present a status report at the hearing currently scheduled for May 21, 2014 at 9:00 AM, and that the hearing on Superior's Motion to Enforce be continued to a

date no earlier than August 15, 2014 so the parties may attempt to resolve the Motion through the procedure set forth herein.

Respectfully submitted,

By: /s/ Christopher A. Robison

James F. Adams  
State Bar No. 00863450  
Christopher A. Robison  
State Bar No. 24035720  
Passman & Jones, P.C.  
1201 Elm Street, Suite 2500  
Dallas, Texas 75270  
Telephone: (214) 742-2121  
Telecopier: (214) 748-7949

**COUNSEL FOR SUPERIOR AIR PARTS, INC.**

**AGREED:**

**SIMON, RAY & WINIKKA LLP**

By: /s/ Craig F. Simon

Craig F. Simon  
Texas Bar No. 00784968  
Daniel P. Winikka  
Texas Bar No. 00794873  
2525 McKinnon Street, Suite 540  
Dallas, Texas 75201  
Phone: (214) 871-2292  
Fax: (469) 759-1699

**COUNSEL FOR DR. KUBLER, IN HIS CAPACITY AS INSOLVENCY  
ADMINISTRATOR OF THIELERT AIRCRAFT ENGINES GMBH**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served via First Class U.S. Mail, postage prepaid, and/or via electronic mail, to counsel for Dr. Kubler on this, the 19th day, of May 2014.

/s/ Christopher A. Robison

Christopher A. Robison